

AMENDED IN SENATE APRIL 11, 2000

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 1594

Introduced by Senator Kelley

February 18, 2000

~~An act to amend Section 52 of, to amend and repeal Sections 55, 56, and 64 of, to amend, repeal, and add Sections 4, 53, 54, and 60 of, amend, repeal, add and repeal Section 51 of, to add Section 52.2, and to repeal Section 52 of, the Metropolitan~~ *An act to amend and repeal Sections 51, 52, 55, and 56 of, to amend, repeal, and add Sections 4, 53, 54, 60, and 64 of, and to add Section 52.2 to, the Metropolitan* Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1594, as amended, Kelley. Metropolitan water districts.

(1) The Metropolitan Water District Act requires the board of a metropolitan water district to consist of at least one representative from each member public agency that, at the option of that agency, is appointed by the chief executive officer of that agency with the approval of the governing body of that agency or selected by a majority vote of the governing body of that agency. The act, until January 1, 2001, authorizes a member public agency to appoint other representatives, not exceeding one additional representative for each 3% of the assessed valuation of property taxable for district purposes within the entire district that is within that agency. *The act,*

on and after January 1, 2001, authorizes a member public agency to appoint other representatives, not exceeding one additional representative for each 5% of the assessed valuation of property taxable for district purposes within the entire district that is within that agency. The act authorizes each member of the board to cast one vote for each \$10,000,000 of assessed valuation of property, as specified, on each matter before the board.

~~This bill would repeal those provisions on January 15, 2001. The bill would require the board, on and after that date and until December 31, 2002, to consist of the presiding officers of the legislative bodies of the member public agencies. The bill would require the board, on and after December 31, 2002, to consist of 13 members to be elected, by division, to the board at statewide general elections. The bill would require the first elected board to be elected at the statewide general election in November 2002, 7 of whom would be chosen by the board, by lot, to serve 4-year terms and 6 of whom would be chosen by the board, by lot, to serve 2-year terms. Thereafter, the bill would require board members to be elected to 4-year terms.~~

The bill would allow the *elected* board members to cast one vote on each matter before the board. The bill would require ~~the~~ *those* board members to receive compensation equal to that received by the board members of the State Board of Equalization and would provide for their reimbursement for reasonable expenses incurred in the performance of duties. The bill would require the district to provide each elected board member with an office, as prescribed. The bill would authorize ~~the~~ *those* board members to employ an administrative assistant.

The bill, *with a specified exception*, would provide that the adoption of a resolution or an ordinance requires the recorded affirmative vote of not less than a majority of the board members, and would make additional conforming changes.

By imposing requirements on a metropolitan water district, as well as other local public agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4 of the Metropolitan Water
2 District Act (Chapter 209 of the Statutes of 1969) is
3 amended to read:

4 Sec. 4. (a) “Board” and “board of directors” means
5 the directors appointed pursuant to Chapter 1
6 (commencing with Section 50) of Part 3 of this act.

7 (b) This section shall remain in effect only until
8 ~~January 15, 2001~~ *December 31, 2002*, and as of that date
9 is repealed, unless a later enacted statute, that is enacted
10 before ~~January 15, 2001~~ *December 31, 2002*, deletes or
11 extends that date.

12 SEC. 2. Section 4 is added to the Metropolitan Water
13 District Act (Chapter 209 of the Statutes of 1969), to read:

14 Sec. 4. (a) “Board” and “board of directors” means
15 the directors selected pursuant to Chapter 1
16 (commencing with Section 50) of Part 3 of this act.

17 (b) This section shall become operative on ~~January 15,~~
18 ~~2001~~ *December 31, 2002*.

19 SEC. 3. Section 51 of the Metropolitan Water District
20 Act (Chapter 209 of the Statutes of 1969) is amended to
21 read:

22 Sec. 51. (a) The board shall consist of at least one
23 representative from each member public agency. The
24 representatives shall serve without compensation from
25 the district. They shall, at the option of the agency, either
26 be designated and appointed by the chief executive
27 officer of the member public agency with the consent and
28 approval of the governing body of the agency or be
29 selected by a majority vote of the governing body of the
30 agency.

(b) This section shall remain in effect only until ~~January 15, 2001~~ *December 31, 2002*, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 15, 2001~~ *December 31, 2002*, deletes or extends that date.

~~SEC. 4. Section 51 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:~~

~~Sec. 51. (a) On and after January 15, 2001, the board shall consist of 27 members, who shall be the presiding officers of the legislative bodies of the member public agencies.~~

~~(b) This section shall become operative on January 15, 2001.~~

~~(c) This section shall remain in effect only until December 31, 2002, and as of that date is repealed, unless a later enacted statute that is enacted before December 31, 2002, deletes or extends that date.~~

~~SEC. 5. Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), as amended by Section 1 of Chapter 781 of the Statutes of 1998, is amended to read:~~

~~Sec. 52. (a) In addition to one representative, any member public agency may designate and appoint several representatives not exceeding one additional representative for each full 3 percent of the assessed valuation of property taxable for district purposes within the entire district that is within such member public agency, in which event all such representatives present at a meeting of the board of directors when a vote is taken shall cast, or may abstain from casting, an equal share of the total vote to which such member public agency is entitled.~~

~~(b) This section shall remain in effect only until January 15, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 15, 2001, deletes or extends that date.~~

~~SEC. 6. Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), as added by Section 2 of Chapter 781 of the Statutes of 1998, is repealed.~~

~~SEC. 7.~~

SEC. 4. Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), as added by Section 2 of Chapter 781 of the Statutes of 1998, is amended to read:

Sec. 52. (a) In addition to one representative, any member public agency may designate and appoint several representatives not exceeding one additional representative for each full 5 percent of the assessed valuation of property taxable for district purposes within the entire district that is within such member public agency, in which event all such representatives present at a meeting of the board of directors when a vote is taken shall cast, or may abstain from casting, an equal share of the total vote to which such member public agency is entitled.

(b) This section shall become operative on January 1, 2001.

(c) This section shall remain in effect only until December 31, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2002, deletes or extends that date.

SEC. 5. Section 52.2 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

Sec. 52.2. (a) On or before November 1, 2001, the board shall divide the district into 13 divisions. The board shall assign a number to each division. Using the last decennial federal census as a basis, the divisions shall be as nearly equal in population as possible. In establishing the boundaries of the divisions, the board may give consideration to the following factors:

(1) Topography.

(2) Geography.

(3) Cohesiveness, contiguity, integrity, and compactness of territory.

(4) Community of interests of the divisions.

(b) The board shall adjust the boundaries of the divisions before November 1 of the year following the year in which each decennial federal census is taken. If

1 the board determines that the population of any division
2 has varied so that the divisions no longer meet the
3 requirements in subdivision (a), the board shall adjust the
4 boundaries of the divisions to meet those requirements.

5 (c) On and after December 31, 2002, the board shall
6 consist of 13 members who are elected in accordance with
7 this section. The board members shall be elected by
8 divisions of equal population within the boundaries of the
9 district. Each board member shall be a registered voter
10 in the division in which the board member is elected from
11 the time the nomination papers are issued to the
12 candidate.

13 (d) At the statewide general election in November
14 2002, 13 members shall be elected to the board of a
15 district, seven of whom shall be chosen by the board, by
16 lot, to serve four-year terms and six of whom shall be
17 chosen by the board, by lot, to serve two-year terms.

18 (e) Thereafter, board members shall be elected at the
19 statewide general election and shall serve four-year
20 terms.

21 (f) Any vacancy in the office of an elected member
22 shall be filled pursuant to Section 1780 of the Government
23 Code.

24 (g) A district is subject to the Uniform District
25 Election Law (Part 4 (commencing with Section 10500)
26 of Division 10 of the Elections Code).

27 ~~(h) This section shall become operative on January 15,~~
28 ~~2001.~~

29 ~~SEC. 8.~~

30 *SEC. 6.* Section 53 of the Metropolitan Water District
31 Act (Chapter 209 of the Statutes of 1969) is amended to
32 read:

33 Sec. 53. (a) No incumbent representative shall be
34 deprived of his or her office by reason of an increase in the
35 amount of the assessed valuation required to authorize
36 the designation and appointment of additional
37 representatives, nor by reason of any decrease in the
38 assessed valuation of the member public agency which he
39 or she represents occurring after his or her assumption of
40 office.

(b) This section shall remain in effect only until ~~January 15, 2001~~ *December 31, 2002*, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 15, 2001~~ *December 31, 2002*, deletes or extends that date.

~~SEC. 9.~~

SEC. 7. Section 53 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

Sec. 53. (a) Each member of the board may cast one vote on each question, order, resolution, or ordinance coming before the board.

(b) This section shall become operative on ~~January 15, 2001~~ *December 31, 2002*.

~~SEC. 10.~~

SEC. 8. Section 54 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 54. In lieu of the appointment of members to the board pursuant to Section 51 or 52 for an indefinite term at the pleasure of the appointing power, a member public agency may by ordinance provide that each representative of that member public agency shall serve for a term of four years commencing on the first day of January of an odd-numbered year, and thereafter (1) until the expiration of his or her term, or (2) until his or her successor has been appointed and qualified, in accordance with the following provisions:

(a) The term of office of an incumbent representative of a member public agency with only one representative on the board on the effective date of the ordinance shall expire on the next succeeding 31st day of December of an even-numbered year following the effective date, or thereafter when his or her successor has been appointed and qualified.

(b) The appointing power of a member public agency that has more than one representative on the board shall designate the term of each representative so that to the extent possible the term of an equal number of directors will expire on the next succeeding 31st day of December of an even-numbered year following the effective date of

1 the ordinance and on the 31st day of December of the
2 next succeeding even-numbered year, or thereafter
3 when their successors have been appointed and qualified.

4 (c) A person appointed to fill a vacancy shall hold
5 office for the unexpired term of his or her predecessor.

6 (d) Any director so appointed for a specified term may
7 be removed by the appointing power for cause.

8 (e) The repeal of the ordinance shall not affect the
9 term of an incumbent representative appointed pursuant
10 to such ordinance.

11 (f) This section shall remain in effect only until
12 ~~January 15, 2001~~ *December 31, 2002*, and as of that date
13 is repealed, unless a later enacted statute, that is enacted
14 before ~~January 15, 2001~~ *December 31, 2002*, deletes or
15 extends that date.

16 ~~SEC. 11.~~

17 *SEC. 9.* Section 54 is added to the Metropolitan Water
18 District Act (Chapter 209 of the Statutes of 1969), to read:

19 Sec. 54. (a) The board members shall receive
20 compensation equal to that received by the board
21 members of the State Board of Equalization.

22 (b) Each board member may receive reimbursement
23 for the actual, necessary, and reasonable expenses
24 incurred in the performance of duties required or
25 authorized by the board.

26 (c) The district shall provide each ~~elected~~ board
27 member with an office in the division from which the
28 board member was elected. Each board member may
29 employ an administrative assistant.

30 (d) This section shall become operative on ~~January 15,~~
31 ~~2001~~ *December 31, 2002*.

32 ~~SEC. 12.~~

33 *SEC. 10.* Section 55 of the Metropolitan Water
34 District Act (Chapter 209 of the Statutes of 1969) is
35 amended to read:

36 Sec. 55. (a) Each member of the board shall be
37 entitled to vote on all questions, orders, resolutions, and
38 ordinances coming before the board, and shall be entitled
39 to cast one vote for each ten million dollars (\$10,000,000),
40 or major fractional part thereof, of assessed valuation of

1 property taxable for district purposes in the member
2 public agency represented by him as shown by the
3 assessment records of the county and evidenced by the
4 certificate of the county auditor. However, each member
5 of the board shall have at least one vote but, no member
6 public agency shall have votes exceeding in number the
7 total number of votes of all other member public
8 agencies. As used in this section, “major fractional part”
9 means a fractional part larger than one-half.

10 (b) This section shall remain in effect only until
11 ~~January 15, 2001~~ *December 31, 2002*, and as of that date
12 is repealed, unless a later enacted statute, that is enacted
13 before ~~January 15, 2001~~ *December 31, 2002*, deletes or
14 extends that date.

15 ~~SEC. 13.~~

16 *SEC. 11.* Section 56 of the Metropolitan Water
17 District Act (Chapter 209 of the Statutes of 1969) is
18 amended to read:

19 Sec. 56. (a) Any member of a governing body of a
20 member public agency may be appointed by that agency
21 to the board of a district to serve as the agency’s
22 representative, except that in the case of agencies with
23 several representatives a majority of the members of the
24 governing body of that agency may not be so appointed
25 by that agency to serve as representatives on the board
26 of the district. Any director holding dual offices shall not
27 vote upon any contract between a district and the
28 member public agency he or she represents on the
29 district’s board.

30 (b) This section shall remain in effect only until
31 ~~January 15, 2001~~ *December 31, 2002*, and as of that date
32 is repealed, unless a later enacted statute, that is enacted
33 before ~~January 15, 2001~~ *December 31, 2002*, deletes or
34 extends that date.

35 ~~SEC. 14.~~

36 *SEC. 12.* Section 60 of the Metropolitan Water
37 District Act (Chapter 209 of the Statutes of 1969) is
38 amended to read:

39 Sec. 60. (a) Every member of the board of a district
40 formed pursuant to this act shall be subject to recall by the

1 voters of the public agency from which the member is
2 appointed in accordance with the recall provisions
3 applicable to such public agency.

4 (b) This section shall remain in effect only until
5 ~~January 15, 2001~~ *December 31, 2002*, and as of that date
6 is repealed, unless a later enacted statute, that is enacted
7 before ~~January 15, 2001~~ *December 31, 2002*, deletes or
8 extends that date.

9 ~~SEC. 15.~~

10 *SEC. 13.* Section 60 is added to the Metropolitan
11 Water District Act (Chapter 209 of the Statutes of 1969),
12 to read:

13 Sec. 60. (a) Every member of the board of a district
14 is subject to recall by the voters of the electoral district by
15 which the board member is elected pursuant to Division
16 11 (commencing with Section 11000) of the Elections
17 Code.

18 (b) This section shall become operative on ~~January 15,~~
19 ~~2001~~ *December 31, 2002*.

20 ~~SEC. 16.~~

21 *SEC. 14.* Section 64 of the Metropolitan Water
22 District Act (Chapter 209 of the Statutes of 1969) is
23 amended to read:

24 Sec. 64. (a) No ordinance shall be adopted unless it
25 shall have been introduced on a day previous to the time
26 of the adoption or unless it is adopted by unanimous vote
27 of all the members of the board present and there are
28 directors present from not less than three-fourths of all
29 the member public agencies who represent not less than
30 three-fourths of the total vote of the board. In lieu of a
31 previous introduction or unanimous vote any ordinance
32 may be mailed by registered mail, postage prepaid, to
33 each member of the board at least five days prior to the
34 day upon which the ordinance shall be presented for
35 adoption.

36 (b) This section shall remain in effect only until
37 ~~January 15, 2001~~ *December 31, 2002*, and as of that date
38 is repealed, unless a later enacted statute, that is enacted
39 before ~~January 15, 2001~~ *December 31, 2002*, deletes or
40 extends that date.



~~SEC. 17.~~

SEC. 15. Section 64 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

Sec. 64. (a) Except as provided for urgency ordinances pursuant to Section 65, the adoption of a resolution or an ordinance requires the recorded affirmative vote of not less than a majority of the members of the board.

(b) This section shall become operative on December 31, 2002.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.